

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1279 be amended to read as follows:

- 1 Page 27, line 23, delete "or residential".
- 2 Page 27, line 24, delete "apartment buildings, condominiums,".
- 3 Page 27, line 25, delete "subdivisions,".
- 4 Page 27, line 25, delete "buildings," and insert "**buildings**".
- 5 Page 27, line 25, after "parks." insert "**The term does not include**
- 6 **apartment buildings, condominiums, or subdivisions.**".
- 7 Page 30, between lines 16 and 17, begin a new paragraph and insert:
- 8 "**Sec. 15. (a) Except as provided in subsection (b), the owner,**
- 9 **operator, or developer of multitenant real estate located in a service**
- 10 **area in which one (1) or more communications service providers**
- 11 **are authorized to provide communications service may not do any**
- 12 **of the following:**
- 13 (1) **Prevent a communications service provider from installing**
- 14 **on the premises communications service equipment that an**
- 15 **occupant requests.**
- 16 (2) **Interfere with a communications service provider's**
- 17 **installation on the premises of communications service**
- 18 **equipment that an occupant requests.**
- 19 (3) **Discriminate against a communications service provider or**
- 20 **impose unduly burdensome conditions on the terms,**
- 21 **conditions, and compensation for a communications service**
- 22 **provider's installation of communications service equipment**
- 23 **on the premises.**
- 24 (4) **Demand or accept an unreasonable payment from:**
- 25 (A) **an occupant; or**

1 **(B) a communications service provider;**
 2 **in exchange for allowing the communications service provider**
 3 **access to the premises.**

4 **(5) Discriminate against or in favor of an occupant in any**
 5 **manner, including charging higher or lower rental charges to**
 6 **the occupant, because of the communications service provider**
 7 **from which the occupant receives communications service.**

8 **(b) This section does not prohibit the owner, operator, or**
 9 **developer of multitenant real estate from doing any of the**
 10 **following:**

11 **(1) Imposing a condition on a communications service**
 12 **provider that is reasonably necessary to protect:**

13 **(A) the safety, security, appearance, or condition of the**
 14 **property; or**

15 **(B) the safety and convenience of other persons.**

16 **(2) Imposing a reasonable limitation on the hours during**
 17 **which a communications service provider may have access to**
 18 **the premises to install communications service equipment.**

19 **(3) Imposing a reasonable limitation on the number of**
 20 **communications service providers that have access to the**
 21 **premises, if the owner, operator, or developer can**
 22 **demonstrate a space constraint that requires the limitation.**

23 **(4) Requiring a communications service provider to agree to**
 24 **indemnify the owner, operator, or developer for damage**
 25 **caused by installing, operating, or removing communications**
 26 **service equipment on or from the premises.**

27 **(5) Requiring an occupant or a communications service**
 28 **provider to bear the entire cost of installing, operating, or**
 29 **removing communications service equipment.**

30 **(6) Requiring a communications service provider to pay**
 31 **compensation for access to or use of the premises, as long as**
 32 **the compensation is:**

33 **(A) reasonable; and**

34 **(B) nondiscriminatory;**

35 **among communications service providers.**

36 **(c) For purposes of this subsection, an "affected person"**
 37 **includes the following:**

38 **(1) An occupant that is a current or potential subscriber of**
 39 **communications service on the premises of multitenant real**
 40 **estate.**

41 **(2) A unit in which multitenant real estate is located, acting on**
 42 **behalf of:**

43 **(A) a person described in subdivision (1); or**

44 **(B) other similarly situated persons.**

45 **(3) A communications service provider.**

46 **An affected person that alleges a violation of this section by the**

1 **owner, operator, or developer of multitenant real estate may seek**
2 **equitable or compensatory relief in a court having jurisdiction. The**
3 **party prevailing in any action filed under this section is entitled to**
4 **recover the costs of the action, including reasonable attorney's fees**
5 **as determined by the court."**

6 Page 30, line 17, delete "15." and insert "**16.**".
 (Reference is to HB 1279 as printed January 20, 2006.)

Representative Kuzman